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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/774,968

Filing Date: January 31, 2001

Appellant(s): ZEBIAN, MARWAN

Joel G. Landau
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/13/2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Grounds of Rejection*

The statement of the grounds of rejection contained in the brief is correct.

(7) *Argument*

The statement of the arguments contained in the brief is correct.

(8) *Claims Appendix*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Response to Argument*

A. Rejection of Claims 1-11 as Unpatentable over West

Applicant's argument:

Claim 1 recites "Storing in the server system an available NAN list of NANs available for the client device to connect to the data network." The Examiner asserted that West teaches the claimed feature at Fig. 1 element 100 and Fig. 4, element 340. The rejection provides no further argument or explanation.

Examiner's response:

As explained in the Final Office Action, the reference teaches the elements as recited in claim 1, by teaching the "Management Server" of Fig. 3, element 334, Fig.4, element 334 and Fig.7 showing the details. One of the functions of this management server, along with many other as described in the reference, as indicated in, col.11, lines 38-47, is "Service providers that execute on management server 334 include an access service provider 720. Access service provider 720 accesses a master client database 722 and corporate database 774. Access modules, such as access 712, access 622 on tunnel server 332, or access 550 on remote computer 100, communicate with access service provider 720 in order to retrieve data in master client database 722 and to store and retrieve data in corporate database 774. Master client database 722 includes data needed to select a lowest cost connection path from a remote computer 100."

The reference also teaches in col. 3, lines 36-45, "In another aspect of the invention, in general, the invention provides software for causing a computer, such as a management server, to store a dialing database, including telephone access numbers

for access paths, and establish an authenticated management communication path between the computer and a remote computer. The computer then provides information from the dialing database to a remote computer, for use on the remote computer in selecting an access path between the remote computer and a computing resource." Thus the management server is "Storing in the server system an available NAN list of NANs available for the client device to connect to the data network."

Applicant's argument:

Claim 1 further recites "wherein the user NAN list comprises a subset of the available NAN list." The Examiner asserted that West teaches the claimed feature at 3:35-45 and Fig. 4 element 334. West, at 3:35-45 and Fig.4 element 334, describes a management server which stores a dialing database and provides telephone access numbers from the dialing database to a remote computer. The cited portion of West does not teach a user NAN list that is a subset of the available NAN list.

Examiner's response:

As explained above, the management server is "Storing in the server system an available NAN list of NANs available for the client device to connect to the data network." The reference further teaches in col. 6, lines 8-22, "The "calling to" information 224 is an identifier of a particular access point within corporate communication system 140 to which the user wants to be connected. For example, in a geographically distributed corporate communication system, the user may specify the particular location to which the user wants to be connected. Access points can be associated with an Internet address or a telephone number of a server computer

coupled to corporate communication system 140. The "calling from" field 222 and the "calling to" field can each present a set of choices from which the user may select one, or the user can enter another value that is not in the set of presented choices. The choices are in part preconfigured into the system by an administrator of the system, and can also include recently used field values. " The reference also teaches in col. 6, lines 37- 58, "Alternatively, the user can press (e.g., activating using a mouse) a "more" button 228 to view information related to the connection that would be established if the user were to connect at that point. In response, as indicated in FIG. 2(c), possible communication paths identified by the connection software to couple remote computer 100 and the selected access point within corporate communication system 140 are presented in a list of connection paths 232." Thus, the user is presented with a "list of calling to " which is a subset of the list maintained by the management server based on its remote location. Thus the system provides the user NAN list "wherein the user NAN list comprises a subset of the available NAN list."

Applicant's argument:

A corporate communication system and a list of telephone access numbers stored in a management server do not teach the feature "storing in the server system connection information about connecting from the NANs in the available NAN list to the data network." The recited "connection information" includes the cost of the back end connection as well as the quality of the back end connection. Storing a list of telephone access numbers is not the same or analogous to storing cost and quality information about each NAN in an available NAN list. Because the cited portion of West does not

teach the claimed feature, the Examiner has not provided the required showing that West teaches what is recite in claim 1.

Examiner's response:

As explained above, the management server is “Storing in the server system an available NAN list of NANs available for the client device to connect to the data network.” And the system providing the user NAN list “wherein the user NAN list comprises a subset of the available NAN list.” The reference further teaches in col. 11, lines 46-47 “Master client database 722 (which is located on management server, Fig. 7, element 722) includes data needed to select a lowest cost connection path from a remote computer 100. “ and in col. 6, lines 40-47, “In response, as indicated in FIG. 2(c), possible communication paths identified by the connection software to couple remote computer 100 and the selected access point within corporate communication system 140 are presented in a list of connection paths 232. The list is sorted so that the first entry in the list is the path preferred by the connection software. Preference is based on a calculated cost for each of the paths, including both monetary and performance related factors. “ (connection information). Thus the management server is proving the stored NAN list to the remote user based on the connection information stored also on the server.

Applicant's argument:

Claim 1 further recites,: setting an order for selecting the NANs in the user NAN list based upon the connection information wherein the order is set outside of the user's control.” The Examiner asserted that West at 2:58-63. teaches this feature. West at

2:58-63, describes determining a set of access paths according to telephone charges associated with the location of the remote computer. The recited "connection information" includes the cost of the back end connection as well as the quality of the backend connection. Determining a set of access paths does not teach or suggest "setting an order for selecting the NANs in the user NAN list based upon the connection Information wherein the order is set outside of the user's control." Because the cite portion of West does not teach the claimed feature, the Examiner has not met the required showing that West teaches what is recited in claim 1.

Examiner's response:

As explained above, the management server is "Storing in the server system an available NAN list of NANs available for the client device to connect to the data network.", the system providing the user NAN list "wherein the user NAN list comprises a subset of the available NAN list.", and the server is proving the stored NAN list to the remote user based on the connection information stored also on the server. The reference further teaches in col. 6, lines 40-48, "In response, as indicated in FIG. 2(c), possible communication paths identified by the connection software to couple remote computer 100 and the selected access point within corporate communication system 140 are presented in a list of connection paths 232. The list is sorted so that the first entry in the list is the path preferred by the connection software. Preference is based on a calculated cost for each of the paths, including both monetary and performance related factors." Thus the NAN list is presented to the remote user by "setting an order

for selecting the NANs in the user NAN list based upon the connection information wherein the order is set outside of the user's control.

B, Rejection of Claims 12-25 and 30-32 as Unpatentable over west in view of Dieterman

Applicant's Argument:

Claim 12 recites among other features "storing in the online service provider server system an available NAN list of NANs available for the user's client device to connect to data network, wherein the user NAN list comprises a subset of the available NAN list." The Examiner asserted that West teaches these features. These features are also recited in claim 1. For the same reasons as set forth in the arguments for claim 1, these features distinguish claim 12 over West. Dieterman fails to cure this deficiency. As such, the combination of cited art fails to teach or suggest the features claimed.

Examiner's response:

Throughout the prosecution, as it is evident from the previous office actions, the Examiner never asserted that the reference West alone teaches the features claimed in claim 12. As explained above for Claim 1, the reference West teaches the features ""storing in the server system an available NAN list of NANs available for the user's client device to connect to data network, wherein the user NAN list comprises a subset of the available NAN list." of the claim that are implemented in the Management Server.

The reference West, as clearly indicated in the previous office actions and reiterated here as it was stated previously, "The reference fails to teach the server as being the online service provider server." This deficiency, that is claimed feature's

implementation on the online service provider server, is cured by the reference Dieterman (page 2, para. [0018]).

Applicant's Argument:

Claim 12 further recites, "transmitting an identification of the NANs in the user NAN list from the client device to the online service provider server system." The Examiner asserted that this feature is taught at Figs. 2a-2c. No further argument or explanation was provided. West's Figs. 2a- 2c illustrate interactive dialog boxes that allow the user to enter a username, password and information as to where the user is dialing from. Interactive dialog boxes are unrelated to the claimed feature, "transmitting an identification of the NANs in the user NAN list from the client device to the online service provider server system." The user information gathered by the dialog boxes neither teaches nor suggests anything related or similar to a NAN list. Dieterman fails to cure this deficiency. As such the combination of cited art fails to teach or suggest the features claimed.

Examiner's response:

The claimed feature clearly indicates that what is being transmitted is "an identification of the NANs in the user NAN list" such as "calling to" (phone number) as shown in West's Figs. 2a-2c from a given "Alternatively, the user can press (e.g., activating using a mouse) a "more" button 228 to view information related to the connection that would be established if the user were to connect at that point. In response, as indicated in FIG. 2(c), possible communication paths identified by the connection software to couple remote computer 100 and the selected access point

within corporate communication system 140 are presented in a list of connection paths 232." In col. 6, line 37-44, and "Having viewed, and possibly modified the order of connection paths 232, the user initiates the connection procedure by activating "connect" button 226." In col. 6, lines 55-58. Thus the reference West teaches, "transmitting an identification of the NANs in the user NAN list from the client device to the server system."

Throughout the prosecution, as it is evident from the previous office actions, the Examiner never asserted that the reference West alone teaches the features claimed in claim 12. As explained above for Claim 1, the reference West teaches the features "storing in the server system an available NAN list of NANs available for the user's client device to connect to data network, wherein the user NAN list comprises a subset of the available NAN list." of the claim that are implemented in the Management Server. The reference West, as clearly indicated in the previous office actions and reiterated here as it was stated previously, "The reference fails to teach the server as being the online service provider server." This deficiency, that is claimed feature's implementation on the online service provider server, is cured by the reference Dieterman (page 2, para. [0018]).

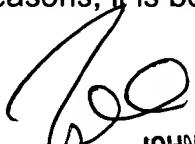
Applicant's Argument:

To the extent that claim 30 includes similar limitations to claim 12, claim 30 is patentable over West in view of Dieterman for the same reasons that claim 12 is patentable.

Examiner's response:

Please refer to the response provided for Claim 12.

For the above reasons, it is believed that the rejections should be sustained.



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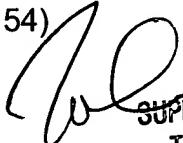
Respectfully submitted,

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March 2, 2005

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